

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**GERALD WAITES, in his Capacity as)
Guardian of EVA ROBINSON, an)
Incapacitated Person,)**

Plaintiff,)

vs.)

**LIFE CARE CENTERS OF)
AMERICA, INC., a Tennessee)
corporation, and DOES 1 - 10,)
Defendants.)**

8:04CV562

**ORDER AND
NOTICE OF HEARING**

Maren Lynn Chaloupka and Wendy Ann Lassey have filed a MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR PLAINTIFF (#32) based on the failure of their client to maintain contact with counsel. Because substitute counsel has not entered an appearance, the matter will be set for hearing. Plaintiff, Gerald Waites, will be required to personally attend this hearing.¹

IT IS ORDERED:

1. The motion to withdraw (#32) is set for evidentiary hearing on **Thursday, August 4, 2005 at 3:00 p.m.** in Courtroom 6, Roman L. Hruska U.S. Courthouse, 111 S. 18th Plaza, Omaha, Nebraska.

2. Plaintiff, Gerald Waites, is required to personally attend the hearing.

3. Moving counsel shall serve copies of the Motion to Withdraw and this Order and Notice of Hearing on Gerald Waites at his last known address **by certified mail, return receipt requested.**

¹Apparently, plaintiff's attorneys have been unable to timely prepare answers to defendant's outstanding discovery requests. The filing of a motion to withdraw does not excuse or extend any deadline for responding to discovery requests. Thus, counsel may file a motion or stipulation for extension of time to respond.

4. Moving counsel shall timely file a certificate of service showing compliance with paragraph 3, above, and listing the names and addresses of the persons to whom notice was sent.

5. The parties are advised that the evidentiary hearing will not be necessary and will be cancelled if (a) the motion is withdrawn, or (b) plaintiff retains substitute counsel and substitute counsel enters a written appearance by **1:00 p.m. on Wednesday, August 3, 2005**. The written appearance must be timely filed with the Clerk of the Court. Communication by facsimile or telephone will not satisfy the requirement of a written appearance.

DATED June 22, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**